

From: kastel@cornucopia.org
Sent: Monday, June 12, 2006 8:45 PM
To: NOP Livestock
Subject: The Cornucopia Institute - ANPR Comments

Attachments: ATTACHMENT.TXT

June 12th 2006

Mark A. Bradley,

Associate Deputy Administrator,

Transportation and Marketing Programs

National Organic Program

1400 Independence Ave., SW.,

Room 4008-So., Ag Stop 0268,

Washington, DC 20250

Docket number TM-05-14

Dear Mr. Bradley:

I would like to submit the following comments on behalf of The Cornucopia Institute and our approximately 900 members, nationwide.

We take strong exception to the Department's historic unwillingness to enforce the current regulations as they pertain to pasture. Although the requirements are general in nature, based on research we have

previously submitted, the vast majority of organic dairy producers, and their certifiers, understand that pasturing of ruminants is required.

Furthermore, the National Organic Standards Board has passed guidance documents that would better equip dairy producers and certifiers to interpret the current regulations, and they have been universally ignored by the USDA, including after specifically being requested to develop such documents in a memo from NOP director Richard Matthews in January 2005. Subsequently, the NOSB passed a rule change rejected by NOP staff and a draft proposal, in November 2005, ignored in your ANPR.

The department's wholesale disregard for the recommendations developed by the NOSB, after numerous opportunities for public input, reflects the USDA's gross disrespect for the organic community. Besides containing inaccurate and incomplete information reflecting the past public record, the pasture symposium and entire ANPR process have needlessly delayed "justice being served" in this matter.

We welcome this opportunity, however, to express our organization's full support for the policy positions adopted through a collaborative process by the nation's organic dairy producers and put forward by the Northeast Organic Dairy Producers Alliance, Midwest Organic Dairy Producers Association, and Western Organic Dairy Producers Alliance.

Although starting from proposals that included higher minimums, the benchmarks submitted (grazing for the full growing season, but not less than 120 days, with a minimum of 30% dry matter intake) was a compromise that producers in all climates in the United States could meet and signed on to. Accommodating livestock production in areas of this country, or elsewhere around the globe, that could not meet these minimum benchmarks is highly inappropriate and a disservice to the families that are currently producing or preparing to ecologically produce organic milk in an appropriate location.

The Department should immediately promulgate a final rule that accommodates this consensus position without consideration for the economic impact it will have on any operation not currently conforming. In our capitalistic economic system it is incumbent upon investors to constantly ascertain the relative risks in startup projects. The debate concerning the interpretation of the current standards has been well publicized, and any investor group performing the requisite due diligence, before entering the industry, would have been well served to understand that this debate could result in a more conservative regulatory environment and more aggressive enforcement by private certifiers and the USDA.

We welcome any questions you might have on these issues and stand prepared to assist the Department at any time in the future if requested to do so.

Respectfully submitted,

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